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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MITCHELL LEE VARNELL,
11 Plaintiff,

12 v.

13 WASHINGTON DEPARTMENT OF
14 CORRECTIONS, et al.,
15 Defendants.

CASE NO. 3:15-cv-05443-BHS-DWC

ORDER DENYING MOTION FOR
RECORDS

16 Plaintiff Mitchell Lee Varnell, proceeding *pro se* and *in forma pauperis*, filed this civil
17 rights complaint under 42 U.S.C. § 1983.

18 Plaintiff originally filed his Complaint in June of 2015. Dkt. 1. Plaintiff subsequently
19 filed a Motion for Preliminary Injunction. Dkt. 32. In January of 2017, the District Court, upon
20 reconsideration, adopted this Court's Report and Recommendation and denied Plaintiff's Motion
21 for Preliminary Injunction. Dkt. 124. Plaintiff appealed this decision to the Ninth Circuit Court
22 of Appeals. Dkt. 126. In light of this appeal, the Court stayed the action. Dkt. 154. In response to
23 a Motion for Clarification (Dkt. 157), the Court clarified that it would not consider "any pending
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1 or future motions filed with the Court until the Ninth Circuit has resolved the pending appeal”
2 (Dkt. 161). Plaintiff subsequently filed a Request for Public Records. Dkt. 163. The Court
3 interprets this Request as a Motion to Produce Records (“Motion”). The Ninth Circuit has not yet
4 ruled on Plaintiff’s appeal. *See* Dkt.

5 In light of the Court’s previous Order limiting consideration of motions until after the
6 Ninth Circuit has ruled, Plaintiff’s Motion (Dkt. 163) is denied without prejudice. Plaintiff may
7 refile the Motion after the Ninth Circuit has concluded his appeal. However, Plaintiff references
8 several letters he apparently sent to the Court and various exhibits attached to his appeals brief to
9 the Ninth Circuit. The Court cannot locate any of these documents in this case’s docket.
10 Therefore, even if the Court granted his Motion, the Court would not be able to produce the
11 documents he requests.

12 The Clerk is directed to provide a copy of this Order to Plaintiff.

13 Dated this 1st day of December, 2017.

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16 David W. Christel
17 United States Magistrate Judge
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